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Louisa Duru, Molly Johnson, and Courtney Nyman

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RUSSELL PITKIN and MARY PITKIN,
Co-Personal Representatives of the Estate of
MADALINE PITKIN, Deceased,

Plaintiffs,

vs.

CORIZON HEALTH, INC., a Delaware
Corporation; **CORIZON HEALTH, INC.**,
a Tennessee Corporation; **WASHINGTON
COUNTY**, a government body in the State
of Oregon; **JOSEPH MCCARTHY, MD**,
an individual; **COLIN STORZ**, an
individual; **LESLIE ONEIL**, an individual;
CJ BUCHANAN, an individual; **LOUISA
DURU**, an individual; **MOLLY
JOHNSON**, an individual; **COURTNEY
NYMAN**, an individual; **PAT GARRETT**,
in his capacity as Sheriff for Washington
County; **JOHN DOES 1-10**; and, **JANE
DOES 1-10**,

Defendants.

Case No. 3:16-cv-02235-AA

**CORIZON'S RESPONSE TO
PLAINTIFFS' SECOND REQUEST FOR
PRODUCTION AND FIRST REQUEST
FOR ADMISSIONS**

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 33: A complete copy of defendant Corizon's standard policies and procedures which were specifically tailored for the Washington County Jail as required by the National Commission on Correctional Health Care (NCCHC) Standards.

RESPONSE TO REQUEST NO. 33: Corizon Health Inc. objects to this request as vague and argumentative to the extent it contends that "the National Commission on Correction Health Care (NCCHC) Standards" required Corizon to modify or alter its policies and procedures without identifying the specific standard creating that obligation.

Corizon also objects to this request on the grounds that the term "complete copy" is vague and imposes an undue burden on Corizon. Many of Corizon's documents are site specific and not housed or accessible centrally. Moreover, Corizon has not operated in Washington County since 2015, and, to the extent any site-specific documents are currently maintained in the Washington County Jail, they are outside of Corizon's possession and control. In responding to this request, Corizon has searched the documents it retained following the end of its operations in Washington County, the documents that it centrally maintains, and other locations where it would expect responsive documents to exist, including the files of the custodians it believes may have such documents. However, it would impose an unreasonable and disproportionate burden on Corizon to search all of its sites and the files of every possible custodian to verify that it has produced a "complete copy" of the documents in Corizon's possession.

Without waiving those objections and subject to them, Corizon has no such documents.

REQUEST NO. 34: Complete copies of all lawsuits filed against the Corizon

defendants, and related entities, as well as against any of the defendants in pending litigation

individually for the ten (10) year period preceding the death of Madaline Pitkin's death which involved claims of negligent, improper and/or inappropriate medical care.

RESPONSE TO REQUEST NO. 34: Corizon Health Inc. objects to this request as irrelevant, vague, and overbroad, because its scope far exceeds the proportionality of the needs of the case and it would be unduly burdensome to gather and collect such documents. Corizon further objects to the unreasonable time frame for which this request seeks such objectionable documents. Corizon is a provider of health care in the corrections setting. As a result, most lawsuits against it allege some form of deficient medical care. Further, most of the lawsuits are filed pro se, alleging minor injuries or inconveniences. There is no relevance between the allegations asserted in Plaintiffs' complaint concerning the death of a detoxing inmate in the Washington County jail and the complaints filed in other parts of the country, in different correctional contexts, with vastly varying site requirements, alleging "negligent, improper and/or inappropriate medical care." Corizon also objects to this request on the grounds that the term "complete copy of all lawsuits" is vague and imposes an undue burden on Corizon, because Plaintiff's request could be interpreted broadly to comprise complete litigation files and transcripts of all court hearings in which Corizon was a participant over the ten-year period identified. Further, these "complete copies" are available to Plaintiffs through Pacer.

Without waiving these objections and subject to them, Corizon will produce all complaints filed against it with allegations concerning the treatment and care of inmates who died while withdrawing or detoxing from heroin or other opiates since Corizon took over or merged with PHS in 2012 up until the time of Madaline Pitkin's death.

REQUEST NO. 40: Complete copies of all Judgments entered against defendant Corizon, and related entities, for the ten (10) year period predating the date of Madaline Pitkin's death which involved claims of negligent, inadequate or inappropriate medical care and/or an award of punitive damages.

RESPONSE TO REQUEST NO. 40: Corizon Health Inc. objects to this request as irrelevant, vague, and overbroad, because its scope far exceeds the proportionality of the needs of the case and it would be unduly burdensome to gather and collect such documents. Corizon further objects to the unreasonable time frame for which this request seeks such objectionable documents. Corizon is a provider of health care in the corrections setting. As a result, most lawsuits against it allege some form of deficient medical care. Further, most of the lawsuits are filed pro se, alleging minor injuries or inconveniences. There is no relevance between the allegations asserted in Plaintiffs' complaint concerning the death of a detoxing inmate in the Washington County jail and the complaints filed in other parts of the country, in different correctional contexts, with vastly varying site requirements alleging "negligent, improper and/or inappropriate medical care."

Corizon also objects to this request on the grounds that the term "complete copy of all lawsuits" is vague and imposes an undue burden on Corizon, because Plaintiff's request could be interpreted broadly to comprise complete litigation files and transcripts of all court hearings in which Corizon was a participant over the ten-year period identified.

Without waiving these objections and subject to them, Corizon will produce all complaints filed against it with allegations concerning the treatment and care of inmates who died while withdrawing or detoxing from heroin or other opiates since Corizon took over or merged with PHS in 2012 up until the time of Madaline Pitkin's death.

REQUEST NO. 41: Complete copies of all lawsuits filed against the Corizon defendants, and related entities, involving 1983 claims and constitutional violations.

RESPONSE TO REQUEST NO. 41: Corizon Health Inc. objects to this request as irrelevant, vague, and overbroad, because its scope far exceeds the proportionality of the needs of the case and it would be unduly burdensome to gather and collect such documents. Corizon further objects to the unreasonable time frame for which this request seeks such objectionable documents. Corizon is a provider of health care in the corrections setting. As a result, most lawsuits against it allege some form of deficient medical care. Further, most of the lawsuits are filed pro se alleging minor injuries or inconveniences. Corizon is generally considered a state actor and most lawsuits against it allege some form of a 1983 claim or constitutional violation. There is no relevance between the allegations asserted in Plaintiffs' complaint concerning the death of a detoxing inmate in the Washington County jail and the complaints filed in other parts of the country, in different correctional contexts, with vastly varying site requirements alleging 1983 claims.

Corizon also objects to this request on the grounds that the term "complete copy of all lawsuits" is vague and imposes an undue burden on Corizon, because Plaintiff's request could be interpreted broadly to comprise complete litigation files and transcripts of all court hearings in which Corizon was a participant over the ten-year period identified.

Without waiving these objections and subject to them, Corizon will produce all complaints filed against it alleging 1983 claims or constitutional violations relating to inmates who died while withdrawing or detoxing from heroin or other opiates since Corizon took over or merged with PHS in 2012 up until the time of Madaline Pitkin's death.

REQUEST NO. 42: Complete copies of all Judgments entered against the Corizon defendants, and related entities, involving 1983 claims and constitutional violations.

RESPONSE TO REQUEST NO. 42: Corizon Health Inc. objects to this request as irrelevant, vague, and overbroad, because its scope far exceeds the proportionality of the needs of the case and it would be unduly burdensome to gather and collect such documents. Corizon further objects to the unreasonable time frame for which this request seeks such objectionable documents. Corizon is a provider of health care in the corrections setting. As such, it is generally considered a state actor and most lawsuits against it allege some form of a 1983 claim or constitutional violation. There is no relevance between the allegations asserted in Plaintiffs' complaint concerning the death of a detoxing inmate in the Washington County jail and the complaints filed in other parts of the country, in different correctional contexts, with vastly varying site requirements alleging 1983 claims.

Without waiving these objections and subject to them, Corizon will produce all judgments entered against it where the underlying allegations related to inmates who died while withdrawing or detoxing from heroin or other opiates since Corizon took over or merged with PHS in 2012 up until the time of Madaline Pitkin's death.

REQUEST NO. 43: Complete copies of all Income Statements for the last five fiscal years for defendant Corizon.

RESPONSE TO REQUEST NO. 43: Corizon will provide Corporate Income Statements, subject to the entry of a Protective Order.

REQUEST NO. 52: Complete copies of all indemnity agreements of any kind between any defendant company/companies and any other entity/entities.

RESPONSE TO REQUEST NO. 52: Corizon objects to this request on the grounds that the term “complete copy” is vague and imposes an undue burden on Corizon. Corizon is a large provider of health care in the correctional setting, operating in April 2014 at more than 550 sites. Many of Corizon’s documents are site specific and not housed or accessible centrally. Moreover, Corizon has not operated in Washington County since 2015, and, to the extent any site-specific documents are currently maintained in the Washington County Jail, they are outside of Corizon’s possession and control. In responding to this request, Corizon has searched the documents it retained following the end of its operations in Washington County, the documents that it centrally maintains, and other locations where it would expect responsive documents to exist, including the files of the custodians it believes may have such documents. Pursuant to that search, Corizon has already provided copies of its relevant insurance policies. However, it would impose an unreasonable and disproportionate burden on Corizon to search all of its sites and the files of every possible custodian to verify that it has produced a “complete copy” of the documents in Corizon’s possession. Moreover, to the extent this request seeks indemnification agreements wholly unrelated to Corizon’s operations in Washington County, the burden imposed on Corizon is disproportionate to the claims being made and the lack of relevance the documents may have.

REQUEST NO. 53: Complete copies of any and all documentation relating to the

“Procedure In the Event of an Inmate Death” process as required by the National Commission on

Correctional Healthcare Standard J – A – 10 including but not limited to: any administrative

review, clinical mortality review, and any psychological autopsy performed in the aftermath of the death of Madaline Pitkin.

RESPONSE TO REQUEST NO. 53: Corizon objects to this request on the grounds that the term “complete copy” is vague and imposes an undue burden on Corizon. Corizon is a large provider of health care in the correctional setting, operating in April 2014 at more than 550 sites. In responding to this request, Corizon has searched the documents it retained following the end of its operations in Washington County, the documents that it centrally maintains, and other locations where it would expect responsive documents to exist, including the files of the custodians it believes may have such documents. However, it would impose an unreasonable and disproportionate burden on Corizon to search all of its sites and the files of every possible custodian to verify that it has produced a “complete copy” of the documents in Corizon’s possession.

Corizon will produce its written procedures related to following up on inmate deaths. However, Corizon objects to the request seeking reviews it conducted of Madaline Pitkin’s death as privileged, both statutorily and at common law, including without limitation privileges relating to medical peer review, self-critical analysis, attorney/client communications and the attorney and/or party work product doctrine. ORS 41.675 specifically provides that documentation is privileged and not subject to admission, nor are any participants in the peer review process subject to examination or discovery. Corizon also objects to the extent any such documentation relates to non-admissible subsequent remedial measures.

REQUEST NO. 54: Complete copies of any and all documents relating to Corizon’s and/or Washington County’s efforts to obtain accreditation from, and to remove contingencies